

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

EPITACIO RESENDEZ

Plaintiff,

V.

SCOTTSDALE INSURANCE COMPANY,
LOUIS A. WILLIAMS & ASSOCIATES,
INC., AND DAVID IMMEL

Defendants.

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CIVIL ACTION NO. 1-15-CV-1082 RP

UNOPPOSED JOINT MOTION TO DISMISS

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Plaintiff Epitacio Resendez and Defendants Louis A. Williams & Associates, Inc. (Williams) and David Immel (Immel) and file this joint motion to dismiss and would respectfully show unto the court as follows:

1. This matter was originally filed in Travis County District Court and removed to the Western District, Austin Division. Docket #1, Notice of Removal. Plaintiff filed a motion to remand on the grounds that Plaintiff, Williams and Immel were all Texas residents. Docket #10, Motion to Remand. Scottsdale Insurance Company (Scottsdale) filed a response to the Motion to Remand, asserting that Defendants Williams and Immel were improperly joined and that Texas law does not impose the duty Plaintiff alleges was breached by Williams and Immel. Docket #13, Scottsdale's Response to Motion to Remand.

2. By written order dated February 26, 2016, this Honorable Court denied the motion to remand, determining that "Plaintiff's pleading falls short of providing a reasonable basis for the Court to conclude Plaintiff can recover against Williams and Immel." Docket #15 at p. 7. Accordingly, in light of the Court's determination that Plaintiff's pleading does not state

a claim on which Plaintiff can recover against Williams and Immel, the parties respectfully request the Court to dismiss all claims against Williams and Immel.

3. The parties have conferred with counsel for Scottsdale, who do not oppose this Motion to Dismiss.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs and Defendants Williams and Immel respectfully request this Court to dismiss with prejudice the claims asserted against Defendants Williams and Immel in this cause.

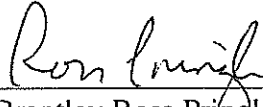
Respectfully submitted,

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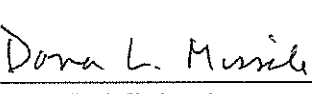
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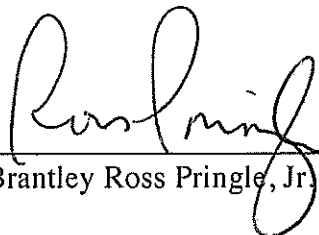
CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of March, 2016, a true and correct copy of the above and foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will automatically serve a Notice of Electronic Filing on the following attorneys of record:

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